

10/776,565

In view of such commonly recited features, infringement of the Group I product (system) claims will almost certainly occur by the method of the claims of Group III as well as vice versa. Therefore, the Applicant respectfully submits that the product (system), as presently claimed, cannot be made by materially different method and the method, as presently claimed, cannot be used in a materially different process.

Lastly, in requiring restriction, the Examiner also notes that the inventions are classified in different classes and subclasses, thus alluding to the fact that the inventions would involve divergent fields of search. However, as the Examiner is well aware, such a factor per se is not a basis for determining distinctiveness in accordance with MPEP 806.

In view of the above, the Application respectfully request consideration of Groups I and III (claims 1-14 and 17-24) in this application.

Notwithstanding the forgoing, the Applicant elects the invention disclosed in Group I and (claims 1-14, 17 and 18) and it is requested that, without further action thereon, the remaining claims be retained in this application pending disposition of this case and for possible filing of a divisional application(s).

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,



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